

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

JAICOURRIE FINLEY

§

VS.

§

CIVIL ACTION NO. 1:10cv301

BRAD LIVINGSTON, ET AL.

§

MEMORANDUM ORDER REGARDING TRANSFER

Petitioner Jaicourrie Finley, an inmate confined at the Clements Unit of the Texas Department of Criminal Justice, Institutional Division, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Discussion

Petitioner brings this petition challenging the validity of a disciplinary conviction received at the Stiles Unit on December 13, 2008.

Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in the district court for the district wherein such person is in custody or in the district court for the district within which he was convicted. Section 2241(d) further provides that the district court in the exercise of its discretion may transfer the action to the other district in the furtherance of justice.

Petitioner is currently confined at the Clements Unit located in Potter County, Texas. Petitioner alleges he was convicted in the Stiles Unit Disciplinary Court in Beaumont, Texas. While the Stiles Unit is located within the jurisdictional boundaries of this court, the Stiles Unit is not a criminal district court with jurisdiction to convict and sentence plaintiff. Thus, plaintiff has failed to establish jurisdiction exists in this court.

As previously stated, the Clements Unit is located in Potter County, Texas. Pursuant to 28 U.S.C. § 124, Potter County is in the Amarillo Division of the Northern District of Texas.

Under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses and in the interest of justice, a district court may transfer any civil action to any other district or division where it could have been brought. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

Since petitioner complains of a disciplinary conviction and is confined in the Amarillo Division of the Northern District of Texas and all records and witnesses involving this action may be located in such district, the transfer of this action to such division would further justice. Therefore, it is the opinion of the undersigned that this petition should be transferred to the United States District Court for the Northern District of Texas, Amarillo Division. An Order of Transfer so providing shall be entered in accordance with this Memorandum Order.

SIGNED this 2 day of June, 2010.



EARL S. HINES
UNITED STATES MAGISTRATE JUDGE